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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,501	04/04/2006	Joerg Dantlgraber	127445	3554
25944	7590	11/20/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER LOPEZ, FRANK D	
			ART UNIT 3745	PAPER NUMBER
			MAIL DATE 11/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/573,501

Applicant(s)

DANTLGRABER, JOERG

Examiner

F. Daniel Lopez

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 13-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on September 10, 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

Applicant's arguments filed September 10, 2007, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 13-23 have been considered but are deemed to be moot in view of the new grounds of rejection. The new grounds of rejection are necessitated by the added limitations that 112 rejections resulting in combining limitations of claims (i.e. old claims 3 and 5, with old claim 1).

Applicant argues that EP 1,310,346 does not disclose an adjusting valve between the annular chambers or that the large effective areas of two differential pistons jointly define a cylindrical chamber. The examiner disagrees. Fig 5 shows the adjusting valve (56) in the hydraulic connection (18, 86). The element jointly defined is a cylinder chamber, not a cylindrical chamber. It is unclear how "cylinder" is supposed to modify "chamber". But it is understood that the two large chambers (12, 26) and the connecting passage (19), together forms a "chamber".

Applicant argues that Heinrick et al discloses neither the adjusting valve nor the displacement valve. The examiner disagrees. Even though it is not part of the rejection, Heinrick et al does disclose an adjusting valve (including 64). Furthermore, Heinrick et al discloses the displacement valve (36, 38).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Drawings***

The drawings are objected to because elements 90 and 92 must be labeled --position sensor--and pressure sensor--, respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

Claims 13-23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13 last line "a displacement valve for controlling the hydraulic connection open or closed" is confusing, since the displacement valve (48) is disclosed as being between the primary and annular chambers of the primary unit, but the hydraulic connection is between the annular chambers (claim 1 line 10-12). Furthermore, the valve (44) in the hydraulic connection is already claimed (adjusting valve, line 11).

In claim 13 line 11-12 "for controlling this hydraulic connection open and closed" is improper English. Suggest that –for opening and closing this hydraulic connection— replace the above phrase. Claim 13 last line has a similar problem.

In claim 15 line 2 "A blanking and nibbling machine" is wrong, since the specification discloses a working machine that is either a blanking machine or a nibbling machine, not both (e.g. page 5 line 13-14).

Claims not specifically mentioned are indefinite, since they depend from claim 1.

***Claim Rejections - 35 USC § 103***

Claims 13, 14, 17, 20 and 23 are rejected under 35 U.S.C. § 103 as being unpatentable over EP 1,310,346 in view of Heinrick et al. EP 1,310,346 discloses a working machine with a drive mechanism comprising a hydraulic force transmitting element having primary and secondary units; wherein the primary and secondary units each have a differential piston, whose large effective areas (12, 26) jointly define a cylinder chamber (along with passage 19) and whose small effective areas (28, 14) are in hydraulic communication with each other, via an adjusting valve (56); wherein a spindle drive (20) drives the piston of the primary unit; and a pre-tensioning means, being an accumulator (94), subjects the cylinder chamber to a pre-tensioning pressure, through a pre-tensioning valve (96); but does not disclose a displacement valve controlling a hydraulic connection between the annular chamber of the primary unit and the cylinder chamber.

Heinrick et al teaches, for a drive mechanism comprising a hydraulic force transmitting element having primary (12) and secondary (28) units; wherein the primary and secondary units each have a differential piston, whose large effective areas are in hydraulic communication with each other (via passage 24) and whose small effective areas are in hydraulic communication with each other, (via passage 26); that a displacement valve (36, 38) controls a hydraulic connection between the annular chamber and a chamber formed by the large effective area of the secondary unit, for the purpose of synchronizing the piston of the secondary unit with the piston of the primary unit (column 2 line 535-55).

Since EP 1,310,346 and Heinrick et al are both from the same field of endeavor, the purpose disclosed by Heinrick et al would have been recognized in the pertinent art of EP 1,310,346. It would have been obvious at the time the invention was made to one having ordinary skill in the art to use a displacement valve to control a hydraulic connection between the annular chamber and a cylinder chamber of EP 1,310,346, as taught by Heinrick et al, for the purpose of synchronizing the piston of the secondary unit with the piston of the primary unit.

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Claim 15 is rejected under 35 U.S.C. § 103 as being unpatentable over EP 1,310,346 in view of Heinrick et al, as applied to claim 13 above, and further in view of Applicant's Admitted Prior Art. The modified EP 1,310,346 discloses all of the elements of claim 15, including that the working machine is a plastic injection molding machine; but does not disclose that the working machine is a blanking and nibbling machine

Applicant's Admitted Prior Art teaches, for a work machine with an electromechanical-hydraulic drive mechanism, that the working machine can be either a blanking machine, a nibbling machine or a plastics injection molding machine (e.g. page 1 paragraph 2).

Since Applicant's Admitted Prior Art teaches that similar electromechanical-hydraulic drive mechanisms can drive either a blanking machine, a nibbling machine or a plastics injection molding machine; it would have been obvious at the time the invention was made to one having ordinary skill in the art to use the drive of the modified EP 1,310,346 to drive either a blanking machine or a nibbling machine, as taught by Applicant's Admitted Prior Art, since one having ordinary skill in the art would have been able to carry out such a substitution and the resulting combination would predictable work in the same manner.

### ***Conclusion***

Claims 16, 18, 19, 21 and 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM -4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez  
Primary Examiner  
Art Unit 3745  
November 13, 2007